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2013 JUN 11 PM 12:42

FEC MAIL CENTER

June 11, 2013

Jan Witold Baran
202.719.7330
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BY HAND

Mr. Mark Allen
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Supplemental Response to MUR 6563

Dear Mr. Allen:

I am writing to follow up on our recent telephone conversations during which confirmed that my client, Congressman Eric Cantor, received your letter of May 10, 2013. That letter stated that the Commission notified Congressman Cantor on May 3, 2012, of a complaint (the "Complaint") in Matter Under Review ("MUR") 6563 alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). I informed you that Congressman Cantor has no record of receiving the May 3, 2012, notification letter. You indicated to me that the FEC also has no record of receipt. Accordingly, notice of the Complaint to Congressman Cantor did not occur until your most recent letter. Please accept this letter as his response to the Complaint.

On June 12, 2012, this office responded to the Complaint on behalf of our other clients, Every Republican Is Crucial (ERICPAC) and its Treasurer. I enclose and incorporate that response here by reference. The response explains why the Commission should dismiss our clients as respondents to this MUR. The reasons stated therein apply with equal force to Congressman Cantor. Accordingly, he too should be dismissed as a respondent to this MUR.

First, the Complaint does not identify any of our clients – including Congressman Cantor – as a respondent. Second, the Complaint does not contain a single allegation of a violation by our clients. Although the FEC's May 3, 2012, letter states that the Complaint "indicates" that Congressman Cantor may have violated

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Congressman Cantor received a May 8, 2013, notification of a separate complaint in MUR 6733 that is based on the same events and alleges essentially the same violations as the Complaint in this MUR. On May 20, 2013, this office filed a Statement of Designation of Counsel on behalf of Congressman Cantor in MUR 6733. In an email to me dated May 22, 2013, you confirmed that the Statement of Designation of Counsel in MUR 6733 would also suffice for this office's representation of Congressman Cantor in MUR 6563.

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the Act, the letter fails to explain how. This does not constitute adequate notice of a violation of the Act to Congressman Cantor. Accordingly, Congressman Cantor should be dismissed as a respondent to this MUR at the threshold.

In addition, the Complaint does not allege any facts that constitute a violation of the Act by Congressman Cantor. The Complaint invokes Congressman Cantor's name in two places. First, the Complaint's factual recitation states that Congressman Schock solicited Congressman Cantor for a \$25,000 contribution to the Campaign for Primary Accountability ("CPA") and that ERICPAC – Congressman Cantor's leadership PAC – made a contribution to CPA. Second, the Complaint alleges that "Rep. Schock's solicitation of a \$25,000 contribution from Rep. Cantor" was a violation of 2 U.S.C. § 441(e)(1) by Congressman Schock.²

In contrast, the Complaint does not allege that Congressman Cantor violated 2 U.S.C. § 441(e)(1), or any other provision of the Act. In fact, Congressman Cantor did not solicit any improper contributions; the activity associated with Congressman Cantor in the Complaint – that ERICPAC made a \$25,000 contribution to CPA – is entirely lawful under the Act as interpreted by Commission precedent.

In Advisory Opinion 2007-29, the Commission concluded that a Congressman "may donate an unlimited amount of funds from his principal campaign committee" and is "not restricted by 2 U.S.C. § 441i(e)(1)" because the funds in a principal campaign committee comply with the amount and source restrictions of the Act. Like a Congressman's principal campaign committee, a Congressman's leadership PAC also consists of funds that comply with the amount and source restrictions of the Act. Therefore, ERICPAC was permitted to contribute unlimited funds to CPA in full compliance with 2 U.S.C. § 441i(e)(1).

² 2 U.S.C. § 441i(e)(1) prohibits a federal candidate, officeholder, or an agent of either, including an entity established, financed, maintained or controlled by a federal candidate or officeholder, from soliciting, receiving, directing, transferring, or spending funds in connection with federal or nonfederal elections unless the funds comply with the amount and source restrictions of the Act.



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The Complaint does not provide notice of a violation of the Act by Congressman Cantor. Furthermore, the Complaint's description of Congressman Cantor's activity is entirely consistent with the Act and 2 U.S.C. § 441i(e)(1) as confirmed by a Commission advisory opinion. Therefore, Congressman Cantor – like ERICPAC and its Treasurer – should be dismissed as a respondent to this MUR.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Witold Baran".

Jan Witold Baran

Cc: Caleb P. Burns

Enclosure

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FEDERAL ELECTION COMMISSION
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Washington, DC 20463

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STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6733

NAME OF COUNSEL: Jan Witold Baran & Caleb P. Burns

FIRM: Wiley Rein LLP

ADDRESS: 1776 K Street, NW

Washington, DC 20006

TELEPHONE- OFFICE (202) 719-7000

FAX (202) 719-7049

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5-20-13

Date

[Signature]
Respondent/Agent-Signature

Member of Congress

Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Rep. Eric Cantor

MAILING ADDRESS:
(Please Print)

TELEPHONE- HOME ()

BUSINESS ()

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

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